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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,984

05/08/2007

William Finck

UDL-132

3990

36822 7590 12/27/2011
GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD, CT 06902

EXAMINER

OSELE, MARK A

ART UNIT

PAPER NUMBER

1745

MAIL DATE

DELIVERY MODE

12/27/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,984	Applicant(s) FINCK, WILLIAM	
	Examiner MARK A. OSELE	Art Unit 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,5-7,34,36 and 37 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,5-7,34,36 and 37 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-7, 34, and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by WIPO Publication WO 2004/103747 (Ericson) in view of WIPO Publication WO 2004/014678 (Jensen et al.). Ericson shows a winder unit for use with a cutting wire in cutting out a vehicle glazing panel comprising: mounting means, 5, 6, for mounting the winder unit on the glazing panel; first and second winder spools, 16, 17, for winding the cutting wire, 15; and at least one wire wrap around guide element, 11, 12, spaced from at least one of the winder spools and the mounting means. Ericson shows the winder spools arranged in a side by side arrangement and a respective guide pulley positioned outwardly of each respective winder spool (Fig. 1A). In this case, Ericson shows the wire wrap around guide to be spaced from the winder spools (See Figs. 1A, 1B, 2B) but fails to show the guide elements to also be spaced from the mounting means.

Jensen et al. shows a winder unit for use with a cutting element in cutting out a vehicle glazing panel wherein a pair of belt wrap around guide wheels, 20 (column 8, lines 15-17), are spaced from both the winder spool, 16, and the mounting means, 24 (See Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of

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the invention to locate the wire wrap around guides of Ericson spaced apart from the mounting means because Jensen et al. shows this to be a functionally equivalent mechanical design. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the guide elements rotatable wheels, such as shown by Jensen et al., to afford greater mobility for the cutting wire.

Regarding claims 5-6, Ericson shows the winder spools to include a ratchet arrangement enabling spool rotation in a first rotation and inhibiting spool rotation in an opposed second direction. Ericson further shows the ratchet arrangement to be releasable to permit spool rotation in both directions (Page 5, lines 5-9).

Regarding claim 7, Ericson shows the mounting means comprises a suction mount, 7, 8 (page 4, lines 20-24).

Regarding claim 34, in a second arrangement Jensen additionally shows the apparatus includes a guide arrangement including mounting means, 24, a wire wrap around guide, 28, positioned away from the mounting means, and a pair of positioning limbs, 22, extending from the mount at an apex defined by proximal ends of the limbs, each said limb carrying at its apex either an additional mounting means, 24, or a wire wrap around guide, 28. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the guide arrangement of Jensen into the apparatus of Ericson because this guide arrangement can be used to create an optimum peeling angle without needing to create or take in slack which would be required of moving the wind up spool and can locate guide elements in locations that would be inconvenient for placing a mounting element. In addition, one of ordinary skill in the art would have

realized that adding a second guide element, similar to the arrangement of Ericson, provides further flexibility for using the apparatus.

Regarding claim 36, Ericson shows a unitary support structure comprising a support bracket upon which are mounted the mounting means, the first and second winder spools and the wire wrap around guide elements.

Response to Arguments

3. Applicant's arguments filed November 9, 2011 have been fully considered but they are not persuasive. In response to applicant's argument that Jensen et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Jensen et al. is directed to the same problem as applicant, winding up a flexible element upon which a cutting tool is attached for a vehicle glazing panel

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. OSELE whose telephone number is (571)272-1235. The examiner can normally be reached on M-F 10:00-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARK A OSELE/
Primary Examiner, Art Unit 1745
December 19, 2011